

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/006731

International filing date (day/month/year)
22.06.2004

Priority date (day/month/year)
03.07.2003

International Patent Classification (IPC) or both national classification and IPC
D04B1/22, D04B9/20

Applicant
SANTONI, S.P.A.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Uhlig, R

Telephone No. +49 89 2399-7083



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/006731

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

4. Additional observations, if necessary:

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:

- ☒ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ not paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

- ☐ complied with
- ☒ not complied with for the following reasons:

see separate sheet

4. Consequently, this report has been established in respect of the following parts of the international application:

- ☒ all parts.
- ☐ the parts relating to claims Nos.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/006731

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	9-13
	No: Claims	1-8
Inventive step (IS)	Yes: Claims	
	No: Claims	1-13
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

1. References

Reference is made to the following documents cited in the international search report:

D1: GB-A-1 078 462

D2: US-A-4 010 627

D3: GB-A-1 328 693

D4: US-A-4 048 819

D5: WO 00/14316 A

D6: US-A-4 038 699

RE Item IV

2. Unity

2.1 The claims in the application refer to 2 allegedly inventive concepts:

A) Method for forming tabs on a circular knitting machine (claims 1 to 8)

B) Method for forming pockets on a circular knitting machine (claims 1, 9-12)

2.2 The technical features linking groups A) and B) are the features of claim 1.

2.3 As the uniting technical features of 2.2 does not contribute over the prior art in the form of D1, D2 or D3 (see paragraph 4), the application lacks unity according to Rule 13.1 PCT in combination with Rule 13.2 PCT a posteriori. The two alleged inventions try to solve different problems, namely to reduce cutting and sewing effort for forming tabs for a crotch or shoulder straps and to form a three dimensional object in the shape of a pocket.

RE Item VIII

3. Clarity

3.1 It is clear from the description on page 6, li. 6, 7 that the following feature - only content wise mentioned - is essential to the definition of the invention:

Each tab needs its own feed (Claim 1 is directed to tabs.),

because otherwise there would be floating yarns between the tabs.

Since independent claim 1 does not contain this feature, it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

3.2 Claims 10-12 do not appear to be clear according to Art. 6 PCT, as these claims refer to features which are only defined as of claim 9.

- 3.3 The vague statement in the description on p. 10, li. 26, 27 (technically equivalent elements) implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.

RE Item V

4. Independent Claim 1

- 4.1 Based on the documents mentioned in the search report, the subject-matter of claim 1 does not appear to be new according to Article 33(1) and (2) PCT.
- 4.2 Document D1 appears to disclose all the features of claim 1 (the references between inclined lines applying to this document), namely
a method for manufacturing knitted articles without lateral seams with a circular knitting machine /p. 1, li. 25-32/, comprising at least the step of forming tabs by reciprocating movement of the circular knitting machine with only the needles active which knit the tab /claim 1 or p. 4, li. 95 - p.5, li. 12, Figs. 15-17 or p. 4, li. 16-29, Fig. 11/.
- 4.3 Moreover, D2, Fig. 1 in combination with col. 4, li. 30-40 and D3, p. 4, li. 41-75, Fig. 10 equally individually appear to disclose all the features of claim 1.

5. Dependent Claims

The dependent claims do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty or inventive step, the reasons being as follows:

- claims 2-6: D1, p. 4, li. 95 - p. 5, li. 12, Figs. 15-17; D2, col. 4, li. 41-49; D3, p. 4, li. 70-72, Fig. 10
- claim 7: D1, p. 4, li. 95 - p. 5, li. 12, Figs. 15-17
- claim 8: D2, col. 4, li. 32-35; D1, p. 4, li. 16-29, Fig. 11
- claims 9-12: Providing a method for manufacturing a tab and a pocket are regarded as a juxtaposition (see PCT Guidelines 13.14(c)).
D5, p. 1, li. 5-23, Figs. 10-14 discloses to manufacture pieces of garment on a circular knitting machine comprising tabs and pockets.
D1, D2 and D3 appear to individually disclose all the features regarding the claimed method for the tabs (see above) and D6, col. 4, li. 12-65 appears to disclose the method for manufacturing a pocket as claimed in claims 9-12.

claim 13: Regarded as a common known measure by a skilled person (see
 e.g. D4, Fig. 6, col. 6, li. 28-35)

RE Item VII

6. Formal/Further Objections

- 6.1 Although claim 1 is drafted in the two-part form the features are incorrectly placed in the characterising portion, as they are disclosed in document D1 in combination with the features placed in the preamble (Rule 6.3(b) PCT).
- 6.2 The document D1, which is considered to be the most relevant prior art document, is not identified in the description and its relevant contents is not indicated as required by Rule 5.1(a)(ii) PCT.
- 6.3 The reference to the priority document on page 10, last paragraph is superfluous.